

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 2535 - HB 2789

February 25, 2022

SUMMARY OF BILL AS AMENDED (014165): Adds distributing an image of an identifiable person engaged in sexually explicit conduct to the definition of the offense of unlawful exposure. Defines "identifiable person" in this context as a person who is identifiable from the image itself or from information transmitted in connection with the image.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 39-17-318, a person commits a Class A misdemeanor offense of unlawful exposure if the person distributes an image of the intimate part or parts of another identifiable person and:
 - the image was photographed or recorded under circumstances where the parties agreed or understood that the image would remain private; and
 - the person depicted in the image suffers emotional distress.
- Distributing an image of a person engaged in sexually explicit conduct is assumed to be subject to prosecution under the existing statute; therefore, it is assumed that the proposed legislation will not result in a significant increase in the number of convictions for unlawful exposure.
- Any fiscal impact related to incarceration is estimated to be not significant.
- Any fiscal impact to state or local courts is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner".

Krista Lee Carsner, Executive Director